

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

VERNON BRADLEY,

Plaintiff

vs.

JOSHUA SPELAS, et al.,

Defendants

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No. 1:16-CV-00962

(Judge Rambo)

ORDER

AND NOW, THIS 28th day of June, 2017, in consideration of Defendants' motion to dismiss, or in the alternative, for summary judgment (Doc. No. 25), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss, or in the alternative, for summary judgment (Doc. No. 25) is **GRANTED in part and DENIED in part;**
2. Defendants' motion is **GRANTED** as to Defendants Sgt. Heath, Lt. Lowry, and C.O. Heverly, and they are dismissed from this action;
3. Judgment will be entered in favor of Defendants Sgt. Heath, Lt. Lowry, and C.O. Heverly;
4. Defendants' motion is **FURTHER GRANTED** as to all claims of verbal harassment against Defendants C.O. Spelas, C.O. Rains, C.O. Rogers, and C.O. Rothrock; as to the claims of placing tobacco chew in Plaintiff's

- meal tray against Defendants C.O. Spelas and C.O. Rains; and as to the claim of denial of access to the exercise yard and showers against Defendant C.O. Rains;
5. Plaintiff's Eighth Amendment claim against C.O. Spelas, C.O. Rains, and C.O. Rogers for banging on the property room gate outside of Plaintiff's cell is **DISMISSED** pursuant to the screening provisions of the PLRA for failure to state a claim;
 6. Judgment will be entered in favor of Defendants C.O. Spelas, C.O. Rains, and C.O. Rogers;
 7. Defendants' motion is **DENIED** as to the claim against C.O. Rothrock that he pushed Plaintiff down the stairs;
 8. **IT IS FURTHER ORDERED THAT** the remaining Defendant, C.O. Rothrock, in this action shall file an Answer to Plaintiff's Complaint within twenty-one (21) days of the date of this Order;
 9. The Clerk of Court is **DIRECTED** to **DEFER** the entry of judgment until the conclusion of this case.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: June 28, 2017